

Abbe E. Nelligan, Director of Classification  
MCI-Cedar Junction  
South Walpole, MA.

October 7, 2005

Re: Thomas MacLeod, W-56485

Dear Director Nelligan,

Kindly accept this correspondence as my formal notification of two matters concerning my October classification hearing.

First, I am involved in intricate legal matter presently pending in the United States District Court, (U.S.D.C.). That is under 28 USC § 2254 or a petition for a writ of habeas corpus. This action is entitled MacLeod v. Nolan, U.S.D.C. No. 04-11629-PBS. This latter is claiming that the Massachusetts courts violated my constitutional rights. Pursuant to the Fed. Rules of Appellate Procedure 23 (a) and bearing the rubric of " Transfer of Custody Pending Review:", it states;

"Pending review of a decision in a habeas corpus proceeding before a court, justice, or judge of the United States for the release of a prisoner, the person having custody of the prisoner **must not** transfer custody to another unless a transfer is directed in accordance with this rule..." (emphasis added).

I have contacted the assistant attorney general assigned to this action to alert her to my class board and to ascertain if she will seek the U.S.D.C. judges permission, for my transfer.

Next, I am scheduled to see the Mass. Parole Board in November and a transfer at this time will seriously impact the paper work and other matters pertaining to my parole hearing. A move at this juncture would surely jeopardize this annual review.

Based on the above clearly articulated facticity and this proper and timely notification of the federal rules of court and my annual review, I'd appreciate if CJ officials and you as director of CJ classification would allow me to remain at CJ until these sufficiently substantial legal matters are adequately resolved.

Thank you for your courtesy in this regard.

I am,  
Thomas MacLeod  
W-56485  
MCI-CJ

cc: file  
John Marshall, CJ's "acting" Warden

## Classification Report

Name: THOMAS MACLEOD

Commitment#: W56485

Class Type: Subsequent Hearing

**Board Recommendation:**

Date: 20051014      Level: 6      Site of Hearing: MCI CEDAR JUNCTION  
 Institution: SOUZA-BARANOWSKI      Vote: 3-0  
 Screen For: CORRECTIONAL      Chairperson: Nelligan, Abbe  
 Placement Site:      Board Member 1: McDermott, Bree  
 Security Board Member Williams, James

**Board's Rational:**

Continued need for a highly structured facility based upon SA related failure at Level 5. Appropriate for alternate level 6 site based upon adequate adjustment at MCI-CJ over a significant period of time and absence of any current management issues. May benefit from Interdiction Program at SBCC. Board held in absentia.

Review Date: 20060414      Reviewed By:

User(L,F,M,S): Abbe Nelligan E

Advised of Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Early Parole <input type="checkbox"/>	Work Crew <input type="checkbox"/>
Advised of Appeal Process	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Education Release <input type="checkbox"/>	PRA <input type="checkbox"/>
48 Hour Notification	Yes <input checked="" type="checkbox"/>	Waive <input type="checkbox"/>	Work Release <input type="checkbox"/>	PRA Hours <input type="checkbox"/>
			Public Speaking <input type="checkbox"/>	Others <input type="checkbox"/>

**Classification Appeal**

Reason for appeal

**Superintendent/Designee Recommendation.**

Level:      Institution:      Date:

Screen For:      Placement Site:      Recommendation:

Reason/Condition

User(L,F,M,S):

Early Parole <input type="checkbox"/>	Work Crew <input type="checkbox"/>	Education Release <input type="checkbox"/>	Work Release <input type="checkbox"/>
Public Speaking <input type="checkbox"/>	PRA <input type="checkbox"/>	PRA Hours <input type="checkbox"/>	Others <input type="checkbox"/>

**Superintendent/Designee Appeal Decision.**

Superintendent/Designee:      Date:      Decision: